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S.B. 442, H.B. 5064, H.B. 5135 -- Housing development bills

Housing Committee public hearing -- February 19, 2013
Testimony of Raphael L. Podolsky

Recommended Committee action: **NO ACTION ON THE BILLS**

Several bills contain anti-development proposals that would adversely affect affordable housing development. We urge rejection of all of them.

- S.B. 442 is an 8-30g amendment that is substantially the same as H.B. 5060 and H.B. 5430, which were part of the Committee's 8-30g hearing. It would require that deed-restricted units be retained in perpetuity. Requiring in-perpetuity deed restrictions from private developers, however, will not produce affordable housing. It will instead prevent them from using 8-30g at all and will thereby undercut the ability of 8-30g to leverage private investment. It is important that 8-30g not be limited to the development of subsidized housing, especially since most housing built under that Act has been unsubsidized. The 40-year deed restriction standard for 8-30g was carefully balanced by the 1999-2000 Blue Ribbon Commission on Housing as a way to maximize affordability without shutting off private development. We believe that going beyond that term will be counter-productive.

- H.B. 5135 allows planning and zoning commissions to impose "impact fees" on "affordable" housing developments. First, the bill is openly discriminatory, in that it limits impact fees to "affordable" housing. Second, it is built on the false assumption that affordable housing has a greater impact on municipal services than does other housing. It does not. Indeed, studies show that, if anything, it has less of an impact than does ordinary single-family ownership housing. Third, it is a requirement of the state Zoning Enabling Act that every town encourage the development of multi-family housing and housing for low and moderate income households. Imposing fees on such housing is inconsistent with the goal of the very statute that allows towns to adopt zoning ordinances in the first place.

- H.B. 5064 requires developers of affordable or high-density housing to pay for a sewer system study if the development will exceed 90% plant capacity. Water pollution control authorities can already require studies if a developer seeks to connect and there is some question about capacity. There is no need for a bill such as this one.